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THIS WEEK

EDITORIALS

139 Disarmament and Sacrifice
140 To Encourage Political Donations
141 "They're Wonderful"
141 More on Muzzling

ARTICLES, FEATURES

142 Handwriting on the Blackboard
by Thomas R. Brooks

144 If Nobody Answers, Hang Up
by James O'Gara

145 One Man, One Vote?
by Walter Dean Burnham

149 The U.N. in the Congo
by Robert Pierson

151 "Conscience and Legitimate Authority"
An Exchange of Views

VERSE

148 The Anatomy of Silence
by Sister Mary Faith, O.S.B.

DEPARTMENTS

153 The Screen
by Philip T. Hartung

154 Books

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THE COMMONWEAL

A WEEKLY REVIEW OF PUBLIC AFFAIRS, LITERATURE AND THE ARTS

Disarmament and Sacrifice

IN THE BEST of all possible worlds, the concept of universal disarmament would no doubt be accepted as an obvious step toward world peace. Of course, in such a world disarmament would be unnecessary: there would be no arms in the first place. In our world, by contrast, the vision of disarmament is also accepted for its self-evident value; but everyone has arms and no one appears at all eager to give them up. Between the vision of the good and the reality falls the shadow of fear, self-interest and plain aggressive ambition. Disarmament remains a grand ideal. But the fate of ideals in our world is notorious: they seem at home only on paper or in the mind, not in the real world in which we live.

The current disarmament talks in Geneva provide an illustration. All the great powers want world disarmament, or so they say. The neutral nations say that they too want disarmament. No one, assuredly, attacks the necessity of disarmament. In short, the nations of the world are unanimous on the goal. All that stands in the way is reality.

What, in the current situation, is reality? The mutual suspicion of the Americans and the Soviets is real; the existence of conflicting disarmament plans is real; and the anxiety felt by the neutral nations is real. Moreover, the recent series of Soviet nuclear tests is a fact—and when, as expected, America resumes its atmospheric tests, increased fall-out will be a fact. But is it equally a fact, as the Soviets claimed, that they were forced to resume their testing in the face of American hostility? Is it a fact that, because of the Soviet tests, this country has no real choice but to resume its own tests? Is it a fact that American inspection proposals, as the Russians charge, are simply proposals for "espionage"? Is it a fact, as the Administration holds, that no disarmament or test ban treaty would be viable without rigid provisions for inspections?

As soon as one attempts to answer these questions with any degree of assurance, it becomes extremely difficult to separate fact from fancy, truth from falsehood, objectivity from ideology. Clearly, the United States has every reason to be suspicious, if not cynical, about Russia's intentions in pressing for disarmament. By their rigidity in denying any provision for inspection of their own disarmament progress by other than their own officials, the Soviets provide no grounds for trusting in their sincerity. It may be, of course, a fact that the Russian desire for disarmament is sincere. But how can one possibly tell when their actions so consistently belie their words?

And yet, so a worried neutralist might reply, in what practical ways has the United States demonstrated that it is serious about disarmament? Granted the U.S. has put forth proposals, how does that make it any different from the Soviet Union? Is it not a fact that the recent American outline treaty on disarmament includes in it a provision for verification by a U.N. Peace Force—even though it is well known that the Soviets will not accept such a thing? Is a proposal such as this meant to prove good will? How does one, after all, distinguish between the assurances given by the United States and those given by the Soviet Union? If, as Americans repeat incessantly, actions speak louder than words, what actions of their own can they point to? The resumption of atmospheric nuclear testing?

IN ONE SENSE, questions such as these are unfair and naive. Too often it appears that the neutral nations expect far more in the way of concessions and unilateral action from the United States than they do from the Soviet Union. Too often it appears that the world expects most of the initiative for peace to come from the United States. Too often the neutral nations save their sharpest criticisms for American actions and tread lightly when Soviet misdeeds are in question. But, in another

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sense, this bias is understandable. Someone has to break the nuclear stalemate. Why not the West, and particularly the United States, which proclaims its adherence to religious values and a supernatural view of man? Indeed, one could take neutral criticism of the U.S. as an oblique tribute to its higher moral values.

Unfortunately, matters are not so simple as that. Justice must be served and it is surely not immoral for America to insure its own survival; nor, in the face of Soviet hypocrisy, is it immoral to demand rigid guarantees that Soviet promises will be kept. Nevertheless, the requirements of self-defense ought not to be taken as the only requirement. If it is a fact that the Russians cannot be expected to provide honest leadership in bringing about disarmament, then that means that the burden must, of necessity, fall upon the shoulders of the U.S. If we will not bear the burden, who will? If we will not provide the leadership, will there be any leadership at all?

But what, in particular, does it mean to say all these things? It means, we believe, that in disarmament negotiations this country should be ever ready to modify its position; ever ready, for instance, to re-shape its inspection demands if such a move would hold out some prospect of progress toward a treaty. Moreover, it means that, in every area of our foreign policy, America must show, day in and day out, that a desire for peace is uppermost and decisive. It is not just a question here of convincing the neutrals: it is also a question of controlling our own emotions and not letting ourselves be swept away by jingoism or delusions of messianic purpose.

"The foundations of peace," Pope John XXIII said on Easter Sunday, "are none other than truth, justice, true love and generous willingness to give and to give of one's self for one's brothers." The Soviets have shown a callous disinterest in each of these demands. It would be mockery if self-interest and self-defense brought us to the same state.

To Encourage Political Donations

THE INTEREST aroused every four years by the campaign for the Presidency contrasts sharply with normal American political lethargy. Yet even in the big campaign years citizens too often confine their political activity to casting a ballot on Election Day. Pressure in Washington and state capitals of powerful private interests is not balanced, for example, by comparable lobbying on behalf of the general public.

At the same time there is danger that the increasingly burdensome costs of electoral campaigns will preclude from office some of the country's most competent citizens. Some one hundred and seventy millions was required to finance all 1960 campaigns; despite the free TV time for the "great debates," the cost of Presidential and Vice Presidential campaigning rose almost two-thirds over 1956; both major parties incurred appreciable financial deficits. There is an obvious need of finding new ways to obtain campaign funds.

Mr. Kennedy's bipartisan Commission on Campaign Costs has come up with a series of remedial suggestions. Some of these are of a hortatory character, especially the injunction favoring bipartisan fund-raising activities, staged debates and registration drives. In this category would also be the emphasis on American political parties as "indispensable instruments of democratic government" responsible to the people—and, in a negative sense, the report's express concern over substantial campaign gifts by individuals and organizations which can "place a candidate in moral hock."

Few would quarrel with the general objectives of this proposal, which was unanimously adopted. Its most interesting recommendation, tax credits for political contributions, aroused some fears it would curtail badly-needed state and federal revenues. But its sponsors calculate that the loss would be relatively small, while the advantages for the nation's political life would be considerable.

In order to encourage small contributions to the Republican and Democratic National Committees, and the respective state committees designated by each, a tax credit of up to $10 for an individual and $20 for a husband and wife would be available. To encourage "medium-size" contributions a deduction for such political gifts up to $1,000 would be permitted. Even larger donations would be encouraged by the most controversial proposal: full publicity would take the place of the present legal ceilings.

Although the report opposes direct federal appropriations to finance Presidential campaigns, it does suggest a matching procedure: the government might agree to appropriate for the party committees the equivalent of the total of all contributions of $10 or less. In any case if Congress should decide to enact any substantial portion of the recommended provisions, candidates would incur fewer political debts to large contributors. Support of rival candidates would be much more widely based. And, with more ample funds, both major parties could utilize the unparalleled opportunity that campaigns provide to educate the electorate on vital public issues.

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"They're Wonderful"

REFERRING to the Citizens Council which provided one-way transportation from New Orleans to New York for all ten members of his family, Mr. Louis Boyd said, "They're wonderful." But this was only one of the ironies of the situation.

Mr. Boyd is of course a Negro. He is a longshoreman, has been unemployed for about a year and received welfare assistance in New Orleans until last December, when the doctor who was treating him said he was well enough to work and his welfare payments were stopped. Since then Mr. Boyd has been living on odd jobs and help from friends, and he jumped at the offer of the Citizens Council to pay his and his family's way if they would leave New Orleans. The Boyds arrived in New York on Good Friday, carrying with them all their possessions—in three cardboard boxes and a foot-locker tied with rope.

Spokesmen for the New Orleans group explain their action by saying: "This is one way to show the colored people what the situation is in the North. If they return South, they can tell the whole story." Similar explanations were offered for plans to ask the Louisiana legislature for $100,000 to send thousands of additional Negro families North, in what the Citizens Council calls "freedom buses" or "freedom trains." Yet it is hard to believe that the motive for sending Negroes out of New Orleans is not at once crueller and more desperate. An officer of the New York Urban League, for instance, said the idea was "a vicious trick on the part of the White Citizens Council, designed to embarrass the North." And certainly sending indigent Negro families North fulfills standard Southern racist desires to "get rid of" the Negro and to retaliate against the "hyprocritical" North.

In any case, this new development in the nation's racial problem is one of the saddest to date. The New Orleans Council is foolish to think that emigration of the Negro from the South would solve anything. Actually, the loss of Negro population which the South has been suffering for years is having and will have serious repercussions on the area's market and work force. And surely there can be no real expectation that so many Negroes will go North that the South's hundred-year-old problem will simply be transferred north of the Mason-Dixon line. No, "getting rid" of Negro families can only be a gesture—or an utter delusion.

But the real dismay one feels at this Citizens Council stratagem is not that it is irrational and fruitless, but that it uses human beings as pawns in a contest. This is what makes the gratitude of the Boyds to the Citizens Council so touching and ironic. In the face of the indignity they have been subjected to, Mr. and Mrs. Boyd are thinking only that they have been given "a new chance," and are glad of it. In New York, although the Boyds have been met with kindness, and three job offers already, there is also some tendency to think of them as "problems for New York" and "a vicious trick." New York welfare officials immediately began to mutter about suing the New Orleans group (on what grounds was not made clear), and said the Boyd family would be sent back to New Orleans if they applied for welfare.

Perhaps the welfare spokesmen in New York are worried about the public impression that relief rolls consist largely of Southern Negro families and the effect of the Boyd case on public support of the city's welfare program. Even granting these good motives, however, such a reaction is too much like that of the New Orleans Citizens Council in its inhumanity, in its tendency toward making the Boyds objects or instruments. To whatever extent New Yorkers or any Northerners fall into this way of thinking, to that extent will they prove that Southern racists have been right in their charges of hypocrisy.

However many Boyds are "sent" North, Northern cities have an obligation to receive them—a legal obligation, first of all, and an inescapable moral obligation. Talk of "sending them back" is as monstrous as the original "trick" by the Citizens Council—perhaps worse, in view of the North's professions of faith in racial equality. Let the Boyds come, then; if their presence in New York adds to the city's burdens and difficulties, so be it. If we believe our Fourth of July oratory, and the lessons we have been reading the South, we must also believe that no other response is possible. Except perhaps to say that, in the long run, New Orleans' loss will be New York's gain.

More on Muzzling

THE WORST thing Major General Edwin A. Walker ever did for his own case was to appear before the Senate subcommittee investigating alleged "muzzling" of the military. Now his one-time aide has run him a good second without even getting near the Senate.

The ex-aide, Major Arch E. Roberts, might have had good grounds for complaint if only he had left well enough alone and quit while he was ahead. Invited to speak to the D.A.R. in Washington, he found his speech rejected at the last minute, after an unconscionably long delay. Major Roberts could have played it big, and silent, and made a good case

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for himself. Instead he went before the D.A.R. and delivered himself of an impromptu talk; afterwards it seemed highly likely that any official censor who refused to clear a talk by him would be in line for a medal.

Major Roberts doesn't believe in involving the military in politics—not he. So he promptly told the D.A.R. that G. Mennen Williams, former Governor of Michigan and now Assistant Secretary of State for African Affairs, had "leftist leanings." Further, he charged, any right-minded citizen should be concerned about men like Mayor Samuel W. Yorty of Los Angeles, who had, he asserted, a "Communist background"—a charge long since investigated by the House Un-American Activities Committee and repudiated by its Chairman, the grand factotum of political orthodoxy, Congressman Francis E. Walter.

For a short, impromptu speech, this was pretty good going, even for the Walker set. A few hours after the speech, Major Roberts was suspended from duty—or, as he would probably put it, "muzzled." While he waits further disposition of his case, perhaps he should consider the possibility that young soldiers can fade away even faster than old ones.

Handwriting on the Blackboard

WHAT Charles Cogen, the five-foot-two, gray-haired president of the United Teachers Federation, called "the greatest day in the history of education in the City of New York" may well prove to be a turning point in the history of education for the country at large. The uprising of the twenty thousand teachers in the New York City school system on April 11 showed, if nothing else, that the timid teacher is a myth of the past; that teachers when provoked can be as militant as the next union fellow.

But the import of the New York City teachers' strike is much greater than a simple proof that union militancy can be stirred within breasts topped by a white as well as a blue collar. A year ago, Martin Mayer's monumental *The Schools* was published with nary a word about teachers' unionization. After the near-complete shutdown of New York City's over one-million pupil school system, it is inconceivable that another such book could be written without some discussion of teachers' trade unionism. Indeed, the New York strike may come to mark in the histories of education as yet unwritten the beginning of real trade union growth among America's public school teachers.

Today, some 800,000 teachers are members of the National Education Association, a professional organization favored as the proper one for teachers by school administrators. An NEA policy statement, adopted in 1961, precludes "the use of the strike weapon by teachers as a means for enforcing economic demands." Some 75,000 teachers are represented in the more militant American Federation of Teachers, AFL-CIO. The AFT, however, does tell its members not to strike until all other means are exhausted. While the AFT cannot hope to organize all of the million-and-a-half teachers in the nation—given its limited resources and the innate conservatism of teachers—it can hope, if blessed by success in New York City, to reverse the present alignment of teachers as between itself and the NEA. This alone would do much to change the course of American education history.

In teaching today, as Mayer points out, "the pay is bad, the status low, the conditions of work discouraging and the results inconclusive. . . . " In New York, Fred M. Hechinger of the New York *Times* notes, "The huge educational bureaucracy has made [teachers] voiceless pawns in a machine." By comparison with the take-home pay of industrial workers, most of whom are organized into powerful unions, teachers' salaries are lower in the United States than elsewhere in the world. Salaries, of course, vary widely within the United States. In the Southeast, the average teacher receives less than $4,000 a year, while in the Far West she is paid more than $6,000 a year. (In New York City, a teacher with a bachelor's degree goes from $4,800 a year to $8,650 in fourteen steps over thirteen years. The average is $7,300 a year. The national average is $5,716.) No question: teacher status has steadily slipped over the past few decades; teachers' income certainly has not kept pace with that of their compeers in other professions.

IN NEW YORK City, at any rate, the teachers have clearly reached the breaking point. They are tired, as a number of picket signs pointed out, of being treated as "low-paid baby-sitters." "It's the lack of dignity that galls," says a youthful teacher of mathematics. "The teachers want an organization prepared to act forcefully and effectively," adds AFT organizer Sally Parker. In November, 1960, some 9,000 members of the United Federation of Teachers walked out for a day in an attempt to force the issue of union recognition. This was less than a quarter of the system's 40,000 teachers and as a strike it wasn't entirely successful. Nonetheless, the union's action resulted in a representation election, which the UFT won. Negotiations with Superintendent of Schools Dr. John J. Theobald got under-

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way last winter under the aegis of a new—and much improved—Board of Education. Talks were broken off on March 22, when the board offered twenty-seven million dollars for increases against the UFT demand for fifty-three, which has since been scaled down to about thirty-three million. A weary Charles Cogen, in the end, came to ask a final and bitter question: "What other means are there besides a strike? We've tried everything else—like gentle persuasion. We've been talking for three months. . . . This is the time to stop talking and get a little action."

By a narrow margin of 313 votes—2,544 to 2,231—the UFT decided to call a strike. Much to everybody's surprise, not least that of the teachers, some 22,000 struck. (The UFT claims only 15,000 members out of the system's 40,000.) After a day's picketing and a major demonstration at City Hall, the strike was called off in the face of an injunction secured under New York's Condon-Wadlin Act, which bars strikes of public employees.

So far, the results are, in the words of AFT organizer Miss Parker, "a mixed bag." Many teachers went back to work feeling betrayed and bitter indeed. Whether a victory can be snatched from what, emotionally at any rate, must seem to many a kind of defeat, remains to be seen. The odds are favorable, however. The mayor and the governor have come up with some money. And while the board is apparently divided over reprisals against the strikers, the balance seems to favor a no-reprisal policy. So, despite the immediate emotional let-down, the strike can be counted a success. The teachers did shut down the system. And it is to be hoped that the powers-that-be will recognize the strike as the teacher victory it was and settle down to bargaining with the union without any further nonsense. Yet there is the deplorable tendency of Mayor Robert F. Wagner and Governor Nelson A. Rockefeller, whose children do not attend public schools, to treat education as an ordinary political football.

Even so, I am hoping for the best. If the UFT wins a good union contract out of the present mix-up, I expect there will be an upsurge in teacher unionism. As Al Shanker, a teacher and UFT activist, points out, the union will have a model contract that can be sold to teachers around the country. Such a contract—with conditions that will outstrip those elsewhere—will demonstrate the feasibility of trade unionism for teachers.

Difficulties still exist, of course. There is a lot more fear of school boards and administrators outside New York. On nearby Long Island, for example, the AFT estimates that it could sign up thirty per cent of all the teachers on the island without trouble were it not for supervisory pressure. Furthermore, teachers looking into the New York situation for guidance can't help but notice the silence that prevailed among the leaders of labor. Labor's one member on the Board of Education, secretary of the City Central Labor Council, Morris Iushewitz, declared himself unalterably opposed to the strike. "When we complain about pay and working conditions," notes a UFT member, "we're told to form a union. But when we do and act like one, we don't get the support powerful unions give to one another in a strike." Teachers elsewhere may react unfavorably to this lack of solidarity on the part of the unions.

THERE IS, however, a notable exception to the coolness exhibited by the leaders of labor to the embattled teachers of New York City. That is Walter Reuther and the Industrial Union Department of the AFL-CIO. The IUD, and several key industrial unions, have invested $100,000 in the fight to organize New York City's teachers. Two IUD organizers have been on loan to the UFT for almost a year now. In addition, the IUD sent in an "apprentice" organizer in the person of David Crippens, an Antioch College student now on his work term. Other AFT locals—and some non-AFT teacher groups— have contributed to the New York organizing campaign.

Behind the IUD expression of solidarity with the teachers lies a practical concern over the need for a new appeal for white collar organization. "There's no doubt that if you could organize teachers on a mass scale, it would give a tremendous impetus to the organization of white collar workers," says an IUD spokesman. Reuther, it is reported, believes that the methods used so far to organize white collar workers aren't good enough. What's needed, in his view, is a good exhibit. And it is hoped that a teachers' victory in New York would be just the thing.

Teachers as successful unionists, say IUD organizing experts, would make unionism more palatable to other white collar workers, especially women. But some organizers remain skeptical. "We're continually pointing out to white collar workers that newspapermen, orchestra conductors, movie actors are union members. Adding teachers to this list won't change things that much," says one union organizer.

Among teachers themselves, however, the prospect for the growth of unionization is fairly good. The teachers have going for them something that just doesn't exist for most other groups of white collar workers, a growing demand for their services. Historically, whenever a trade, or craft, has been confronted by this set of circumstances—a growing demand and a decline in pay, status, and working conditions—organization has generally resulted. There is no reason to believe that teachers will prove to be exceptions to the rule. Indeed, the New York City teachers strike is a harbinger of more unionism, not less, among teachers.

THOMAS R. BROOKS

(Mr. Brooks is a former editor of Current *and a frequent contributor on labor and economic questions.)*

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If Nobody Answers, Hang Up

SEVERAL WEEKS have gone by, but there has been relatively little reaction to the recent false alarm A-bomb alert. I can't imagine why, unless we just don't want to think about the horrible possibilities of a nuclear mischance.

The story was originally broken by the Washington *Star*. It has since been confirmed by the Pentagon, and the details seem clear enough.

The alert came at the height of the Berlin crisis and lasted for four minutes. Early one morning, signals at the Strategic Air Command's Omaha control center indicated that something had gone wrong with the Greenland early warning radar stations. Destruction of these units would be a logical first move in a massive attack on the United States, and the implications were plain: enemy ballistic missiles could land on the continental United States within fifteen minutes.

At this point things got sticky. A check was attempted to Air Defense Command Headquarters in Colorado, to determine if malfunction of equipment might be the explanation for the alarm. But the lines to that headquarters were dead. There were only two possible explanations. An attack was underway, or there was a double failure in equipment. Indeed, the equipment failure would have to be more than double—four-way electronic connections theoretically guarded against loss of communication due to equipment failure.

The general in command at S.A.C. did the obvious. He picked up the red telephone that connects him with every S.A.C. base in the world and ordered all bombers on alert to taxi to the runways and prepare to take off. The decision was not an easy one. Given the system, though, what else could the general have done?

At about this point in any alarm, as I understand it, the alert procedure calls for notification of the President, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. The idea, of course, is that they would then have time to get to their protected command posts in order to take over active direction of our operations. This time, for reasons I still do not understand, none of them was notified of the nuclear alert.

So matters stood for four long minutes, with bombers on the runways loaded with nuclear bombs and slated for pre-selected targets. Then, as quickly as it began in the first place, it was all over. Communications were restored with the Air Defense Command, and it was learned that an "impossible" equipment malfunction had taken place and that the early warning radar stations had not been destroyed after all. The planes on the runways trundled back to their hangars, the crews climbed out, and perhaps all concerned even went back to bed.

Let me say straightaway that my own feelings about this affair are ambivalent. This is no child's play the S.A.C. is engaged in. It is deadly serious business, and if that alert had turned out to be the real thing, I wouldn't be writing this column and you wouldn't be reading it. With luck (?) we might be among the survivors picking our way through the rubble, but the world we have known would be finished.

It is bad enough to think of nuclear war in the world at all. The notion that such war could come because of equipment failure or mechanical malfunction is just too macabre for words. Yet that is exactly the possibility conjured up by these false-alarm alerts.

That is one side of the picture, and a bad one. But there is another. Alert or no, the fact remains that our "fail-safe" procedures did work. Our missiles were not fired. Our bombers were on the runways all over the world, but they did not take off. Even if they had, they would not have gone on past certain predetermined points without further positive confirmation from home.

There have been other such false alarms in the past. No one outside the Pentagon knows for sure just how many. In each case the error was found in time; in each case nothing happened in the end. The trouble is, of course, that this thing does not go by batting averages. You can't congratulate yourself if the system fails only once in a hundred times. One failure and we have had it.

Don't ask me what the answer is. I hope the Kennedy Administration will go even further to guard against all-out war due to equipment failure or human error. Outside of that, I see nothing to do except what we have been doing—work for some system of international nuclear disarmament that we can trust. What else is there?

The same week the A-bomb alert took place, a group of five hundred well-known Protestant clergy and laymen provided what they saw as an answer to the nuclear dilemma. The United States, they said, should commit itself to "the most serious and unremitting effort to achieve multilateral disarmament among nations." If that failed, however, they urged the U.S. to withdraw from the arms race, unilaterally if necessary. I can join the signers on the first part of their proposition; I only wish I could share their confidence in the second course. I can't, though—one reason being my conviction that unilateral disarmament would in fact lead to the horror we are trying to avert. But I know very well that on this I could be terribly wrong, and there is not much in these stories about A-bomb alerts to make me feel more comfortable. JAMES O'GARA

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The Supreme Court Enters the Political Thicket of Apportionment

One Man, One Vote?

WALTER DEAN BURNHAM

IN THE MIDDLE of what had been one of its most uneventful terms in years, the Supreme Court on March 26 handed down its long-awaited decision in *Baker v. Carr*. This case, overruling in all but name a line of apparently solid precedents going back to *Colegrove v. Green* (1946), seems certain to take its place among the very few judicial decisions which have fundamentally reshaped our constitutional system. For what it does is to extend enormously the sweep of federal judicial power by bringing it to bear on the question of legislative malapportionment within the states.

The Warren Court, by a vote of six to two, has in effect repudiated the *Colegrove* doctrine that the judiciary would stay out of apportionment issues because they are "political questions" not meant for judicial determination. The majority has rejected Justice Frankfurter's admonition in that case that "Courts ought not to enter this political thicket." It seems a virtual certainty that the federal courts have not only entered this thicket, but are going to establish permanent headquarters there.

Legislative malapportionment has been as much a part of the traditional American way of life as the Fourth of July. It has taken as many different forms as the political ingenuity of American politicians has been able to devise. Of these forms, the two most frequently encountered are positive malapportionment through gerrymandering (and other forms of maximizing the political leverage of the dominant party), and the increasingly formidable discrimination against metropolitan areas through failure to reapportion at all.

The two are inseparably linked, both as to purpose and effect—but of the two the "silent gerrymander" has been vastly the more formidable a barrier to the emergence of effective democratic government in the states. Its effects are so well known that it hardly seems necessary to reiterate them at length here; a few examples will suffice. In 44 of the 50 states, less than 40 per cent of the population can elect a controlling majority of the legislature. In 20 state senates and 13 lower houses less than 30 per cent of the population can control a legislative majority. In Connecticut, a vote cast in Colebrook town for the lower house is worth 299 cast in Hartford. In Georgia's county-unit system, based on legislative apportionment, one vote cast in rural Echols County is worth 102 cast in Fulton County (Atlanta). Furthermore, the situation has been growing steadily worse over time: a recent study by Manning J. Dauer and Robert G. Kelsay of the University of Florida reveals that the representativeness of more than three-quarters of the state legislatures actually declined from 1937 to 1955.

It is not difficult to see how this situation came into being. Entrenched rural minorities have clung to positions of legislative power—in the face of the tremendous 20th-century demographic revolution by which the United States became an urban nation. The effect, as Anthony Lewis has pointed out, has been to favor the traditionally dominant political party—Republicans in the North, Democrats in the South, and socially conservative forces everywhere. Still more, the socio-political effect of this extraordinarily rural domination of our legislative bodies has been to diffuse and disperse still further our irresponsible party system, to make a mockery of our copybook professions of democracy, and indeed to raise ultimate questions concerning the very legitimacy of the present political system as a whole.

BUT THERE are constitutional issues which arise from this situation as well as questions of political morality or political theory. One of these issues arises on the state level. As of 1958, the constitutions of forty states *required* legislative redistricting at least every ten years, while three others authorized decennial reapportionment. Yet more than half of the states had not reapportioned as their own constitutions required. Moreover, in a large number of these states—especially in the South—there are no provisions for initiative or referendum; there is no way by which the "aroused popular conscience" of which Justice Frankfurter speaks in his dissent in *Baker v. Carr* can bypass the legislature.

Moreover, as the experience of the state of Washington in 1957-58 revealed, there is no assurance that such popular initiative can be made really effective against a determined legislature. Tennessee presented just this

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kind of problem. Its constitution commanded redistricting every ten years, yet the legislature has not reapportioned the state since 1901. There are no provisions for initiative or referendum. As a matter of political reality, it cannot be expected that a rural legislator will vote himself out of a job .

The other major constitutional issue is a federal question arising directly out of the Fourteenth Amendment, which provides that no state shall deny to any person within its jurisdiction the equal protection of the laws. It was through this vehicle that the Warren Court opened the doors of the federal courts to the complaining urban residents in the *Baker* case. The Court has never tried to spell out with exactness what the constitutional requirements of equal protection are. But two things are clear. First, these requirements have been increasingly stiffened over the past generation as our political system has become nationalized and more thoroughly democratized. Secondly, at a minimum they command today that any legal distinction between discrete categories of individuals or classes of persons have a rational and non-arbitrary purpose. But this line of attack on inequitable districting was precisely what Justice Frankfurter sought to foreclose in his opinion in *Colegrove v. Green.* From Frankfurter's point of view, this kind of issue was of its essence a "political question": even if Fourteenth-amendment rights were being violated by the states, the issue was not justifiable because it encroached too directly on the internal political arrangements of the states.

The leading opinion in *Colegrove* has had a certain ambiguity as a controlling precedent, even despite its general acceptance. In the first place, the decision was rendered by a 4-3 majority of a seven-man Court. Secondly, as Justice Brennan has pointed out in *Baker;* Frankfurter's opinion actually represented the views of only a minority of this number; Justice Rutledge, who cast the deciding vote, clearly rejected the general proposition that the Supreme Court was without practical power to afford relief in apportionment cases. Thirdly, his arguments have not stood the test of time and experience satisfactorily.

Justice Frankfurter contends that there are no mathematical standards by which courts can distinguish between constitutionally valid and invalid apportionments. Yet it can be convincingly argued that judicial standards are no more precise in other areas involving equal protection and due process of law. Again, he claims that there are no effective judicial remedies. But the answer to this is clear: a dissolution of all legislative lines and an at-large election would exert maximum leverage on legislators to redistrict in a hurry. If there is anything a legislator hates to do, it is to run at large. Finally, the *Colegrove* opinion contains a sentence which sums up Justice Frankfurter's whole judicial philosophy: "It is hostile to a democratic system to involve the judiciary in the politics of the people." For his part, Frankfurter recommends the exercise of "the ample powers of Congress" and the electoral activity of an "aroused electorate."

THIS LATTER argument is worth considering in detail because it is actually at the heart of the *Colegrove* opinion and the doctrine of "political questions" which it formulates. There is no doubt that the rule which Frankfurter propounded should be followed wherever possible in a democratic society. Excessive reliance on the courts to resolve political difficulties was, indeed, one of the great evils of the period 1890-1937. It distorted constitutional development to benefit a specific theory of political economy and led directly to the great constitutional crisis of the New Deal era. In a modern industrial society which professes a democratic value system, it is essential to permit the ordinary working out of socio-economic conflicts to take place in the political-legislative arena. This is so because judges are not directly responsible to the electorate; because judges are not experts in the complexities of economic regulation; because so much of modern law is the ratification of the current balance between competing individual and social rights; and because experience has shown that influential economic minorities are well able to take care of themselves in Congress and in the state legislature.

But the Court during the past generation has been so deeply drawn into civil-liberties questions precisely because it has realized that, in justice, this rule cannot be applied mechanically to every situation. For the political process may be massed and mobilized *against* minorities which do not have the prestige and social power of business enterprise: Southern Negroes, Jehovah's Witnesses, Communists or suspected Communists and the like. Such low-status minorities of a "discrete and insular" character have always tended to be exposed to arbitrary invasions of their rights on the local or state level. In the presence of that intolerance and lack of self-restraint which are all too often conspicuous parts of the American political scene, the courts are quite frequently the sole recourse of such groups.

The same considerations apply with even more force, if possible, to the kind of situation which malapportionment presents. If the political process becomes poisoned at its source for any reason, questions of equal protection are apt to arise. It is all well and good to speak of the responsibility of the legislature and to stress the desirability of correcting abuses at the polls. But if the dilution of votes cast by citizens who live in cities results in their being placed at an insurmountable disadvantage, what then? If the polls are permanently rigged in advance against the "discrete and insular minorities" who are unlucky enough to live in metro-

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politan areas, the alternatives seem to be precisely three: judicial intervention, the exercise of the "sacred right of revolution" by city-dwellers and suburbanites, or an indefinite continuation of the *status quo* with a further decay of effective state government and the prepetuation of inequity.

Justice Frankfurter seems convinced that the unilateral dismantling of judicial review by the judges would result in the development of a disciplined sense of political responsibility and self-restraint among the people and their leaders—a more nearly "democratic" state of affairs. The history of the apportionment problem since *Colegrove* in 1946 refutes this position. No such development has put in an appearance. On the contrary: this recent history suggests that judicial review is as much or more a *consequence* of our political irresponsibility as a case of it.

SEVERAL major factors in the evolution of the Court's doctrine in civil-liberties cases, then, seem to account for its reversal of field in *Baker v. Carr*. The first of these is the emergence of the realistic evaluation of the judicial role in the juridical defense of individual and group liberties. The second is the practical working out of this libertarian philosophy in the area of Negro rights, especially Negro voting rights and the issue of segregation. Having filled in the content of the equal protection clause of the 14th Amendment for this discrete racial minority over the past decade, the Court would have had the greatest difficulty in creating a principled distinction between this minority and others whose deprivation of rights were based not on race but on geography. *Gomillion v. Lightfoot*, handed down in the last term, was of particular practical importance in foreshadowing the Court's abandonment of the *Colegrove* doctrine. Here the Alabama legislature had changed the boundaries of the town of Tuskegee from a square to a 28-sided polygon for the obvious purpose of fencing all but a few of the Negro population out of the town.

In a unanimous decision—also derived by Justice Frankfurter, who nevertheless strove manfully to save his *Colegrove* precedent—the Court invalidated this law as "tantamount to a mathematical demonstration" of the state's intention to discriminate. Despite Frankfurter's efforts to contain the effect of this first judicial intrusion into local districting, it was clear that *Colegrove* was on the ropes. Perhaps it would have been less vulnerable but for the third development since 1946: the brute fact that judical abstention from the apportionment problem as a "political question" had failed altogether to produce that "disciplined responsibility" for which Frankfurter hoped, and the equally plain truth that there was simply no way to correct an intolerable situation without judicial action.

The Warren Court has been most cautious in writing *finis* to *Colegrove*. It has decided only that the individuals involved have standing to sue, and that there is a substantial federal constitutional right in controversy—a right not to be denied federal judicial relief simply because it involves a "political question." The majority opinion declined even so much as a hint at the kind of relief that the courts could give or the standards they might employ to distinguish between valid and invalid apportionments. Instead, expressing "no reason to doubt" that it could fashion appropriate relief if the plaintiffs win their suit, the Supreme Court remanded the case to the three-man federal district court in Nashville which had already expressed sympathy with their plight.

LIBERALS, city residents and others would perhaps do well to acclaim the *Baker* decision with some caution. In the first place, the reapportionment suits which will ultimately be brought in some forty states will take a great deal of time, and they will differ markedly among themselves according to the factual situations presented by each case. The Court is almost certain to proceed on an *ad hoc*, case-by-case basis; no one can safely say where it will draw the line between apportionments which pass muster under the equal-protection clause and those which do not. For example, it might well be that the Justices will refuse to intervene in the legislative arrangements of any state that has provision, however ineffective, for a popular initiative and referendum.

Moreover, there is no certainty that the majority of the Court is irrevocably committed to the view that only representation by population has constitutional sanction. There are deep-seated traditions in American political life which favor the representation of geographical units in at least one of the two houses of our legislatures, and one may confidently expect that the rural forces will do everything they can to ensure their dominance in at least the upper house. They may well be permitted to succeed. Finally, the Court—as Justice Frankfurter reminded the majority in his dissent—has neither the power of the purse nor of the sword; and it is quite possible that political resentments generated by the *Baker* decision will serve to place the Court's prestige in jeopardy.

Those who expect the walls of Jericho to tumble to

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the ground in the wake of the Court's trumpet blast might ponder the words of Frankfurter's dissent in *Baker*: "Today the Court begins a process of litigation that it requires no prophet to say—and Cassandra was sometimes right—will outlast the life of the youngest member of this Court." It is likely that for some time to come the adjustments to the Court's decision will be slow, halting and partial.

In a sense, the most disquieting aspect of the Tennessee reapportionment case is the incredible lack of commonweal-mindedness which it reveals to be endemic in our political system. A vicious circle seems to operate. The excessive individualism of 19th-century laissez-faire created the preconditions in the political culture for the development of an irresponsible politics. Irresponsible politics has been the seed-bed for the development of impregnably fortified groups and minorities —the political process resembles far less the democratic model than the system of compulsory tribute exacted by the medieval robber barons from all who passed their way. The dispersion of effective political power thus generated has worked to make the system progressively more irresponsible and unrepresentative with every decade.

The common man, who is by no means the fool our mass-manipulators take him for, knows this; finding himself, like Archimedes, without an effective lever with which to move the political earth, he takes refuge in a kind of inside-dopester cynicism. To some extent this political alienation has been produced by legislative malapportionment. But this malapportionment is a symptom as well as a cause. Fourth of July oratory to the contrary, the plain fact of the matter is that the struggle for democracy is still going on in this country. It is deeply disturbing for a political scientist to have to note that a country which a century ago led the world in the development of modern democratic political institutions has actually seen that development reversed in many areas since the turn of the century. Today we trail the rest of the Atlantic community in that development.

In this context it is entirely typical that the struggle for democracy should be spearheaded by an appointed judicial oligarchy and most stoutly resisted by our elected "representative" legislatures. It remains to be seen whether this nation can provide effective international leadership and the domestic conditions for a more just social order in the last decades of the 20th-century with the presently entrenched 19th-century Orleanist political system.

THOSE CAVEATS out of the way, at least two cheers are in order for the Warren Court in this matter. Every one of the potential drawbacks mentioned above applies equally to the Negro-voting and segregation cases; but it is impossible to deny their cumulative effect on our legal and political mores. The weapons which the judiciary has at its disposal—most notably a permanent injunction against holding elections within old district lines, which of course means elections at large—have been shown in state cases to have great practical effectiveness in compelling a reluctant legislature to redistrict. The lack of precise standards, of such concern to the dissenters in *Baker*, is a characteristic feature of issues that arise under the shifting contours of the due-process and equal-protection clauses of the Fourteenth Amendment. Thus it may be expected that, with the passage of time, the Court will work out a set of standards to guide lower courts and the states.

As to the fears of risk to the Court in entering the political thicket, it may be replied that this risk is the price the Court must pay if it is to take any active part in shaping the content of constitutional protections. One may surmise, indeed, that the risk here is surprisingly small for such a momentous decision. It was "right," if only because of the obvious fact that no other peaceful resolution of a set of organized abuses was at hand and because it rests so heavily upon a value which most Americans rank very high. A decision that can be accepted as "proper" by Senator Goldwater and by President Kennedy is likely to have enough moral force in our society to sustain it, Justice Frankfurter's fears to the contrary.

The long-range effect of the Baker decision will be quite clearly, as James Reston suggests, to shift the balance of power away from the rural areas and toward the urban centers. It will spell the beginning of the end of the control traditionally enjoyed by the 19th-century conservatives of North and South. It should prove cumulatively important in nationalizing our party system and in creating the conditions for the emergence of a far more responsible, 20th-century party system than we have known.

The Anatomy of Silence

Take three parts loveliness—
A lake will do,
Deep and quite blue.

A lane of yellow sand
Cutting the land,

One child, clean,
And each thing seen
In memory across a span of years.

I did not mention tears.
In deepest silences there are none,
But miles of beauty, quiet wind, and sun.

SISTER MARY FAITH, O.S.B.

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The U.N. in the Congo

ROBERT PIERSON

WHEN THE United Nations first moved into the Congo, twenty weary and blood-stained months ago, the leader of the U.N. contingent made a memorable statement. Speaking to newsmen just after his arrival in Leopoldville, India's Rajeswar Dayal declared: "Today, in the Congo Mission, the United Nations is fighting to justify its very existence. Not for a minute do I believe it will lose. Yet I know the struggle will be difficult, the sacrifices great before victory is conceded by our most obstinate critics."

These were grave words. But almost exactly a year and a half later, on March 5, 1962, the most outspoken and bitter critic of the controversial Congo Mission did quietly concede that the U.N. had won. The Soviet Union paid its arrears of $1.5 million for the regular U.N. budget with Soviet representative Valerian A. Zorin claiming the delay in payment was caused by "technical" rather than "political" reasons. These "technical delays," of course, began with the creation of the Congo Mission and the ousting of the Soviet Embassy from Leopoldville by General Joseph Mobutu's troops on September 17, 1960.

The Soviet Union and several other U.N. members still have declined to pay the special assessments for the Congo Mission but the belated payment on the regular budget suggests that even Mr. Khrushchev has come around to tacit recognition of the success of the U.N.'s Congo effort, however distasteful it may be to him.

But what has the U.N. accomplished in the Congo—aside from surging to the brink of financial disaster with its vast million-dollar-a-day activities there? Perhaps most important of all, it has set a pattern for the containment of future localized conflicts without the direct, over-all supervision of one of the great powers. Certainly the United States strongly supported the Congo Mission and tried often, untactfully, to influence its actions. But the Soviet Union and France stood openly opposed to it, and Britain adopted a deft and almost unique fence-sitting position.

At no time were any of the great powers ever really in the saddle. It has been overwhelmingly a small nation operation. Since the mission reached its full complement averaging usually between 20-25,000 troops and hundreds of civilian personnel and technicians, there have been as many as fifty nations and never less than thirty participating in its on-the-ground activities. This is the first time a unity of purpose of the small nations has ever been tested under fire.

Unlike the police action in Korea, where the United States was firmly and fully at the helm and her national interest played a leading role, in the Congo there was competition for kudos by many of the small, newly-emerged African nations. Some, like Ghana, Guinea, Morocco and Egypt in the early stages of the operation were prepared to risk the destruction of the entire mission in order to further personal or purely national political objectives. And had the Congo been contiguous to their territories the actions of their armed forces assigned to the U.N. Command indeed would have resembled more armies of occupation and annexation than pacification and assistance as specified in the U.N. resolution creating the Congo Mission.

The small, three hundred-man Guinea troop contingent, for instance, came fully-equipped with a "political general" and a squad of Communist-oriented organizers in civilian clothes bent on subverting their particular section of Equator Province rather than restoring peace and order. The three Ghana battalions, at one time the core of U.N. fighting troops, were accompanied by shrewd politicians such as Mohammed Djen and Nathaniel Welbeck intent primarily upon drawing the Congo into Nkrumah's concept of a federation of African states. Such typical conniving by the small African states could well have led the Congo Mission to ruin.

IT IS to the credit of the majority of the African-Asian nations, however, that they themselves exerted sufficient pressure on the more reckless members to prevent the disintegration of the mission into a new twentieth-century attempt at repartition of the heart of Africa. Guinea shortly withdrew her troops, and with the rise of political unrest in Ghana there was an attenuation of Nkrumah's "domination" attitude toward the Congo. There were at least a dozen other episodes comparable to the Ghana-Guinea activities mentioned, and all were handled quietly by the small nations themselves.

Recognizing the predominant influence of the late Secretary General Dag Hammarskjold in the Congo Mission's activities, there were two men on the spot to whom acclaim must be given for being primarily re-

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sponsible for the mission's success. Mr. Dayal, who weathered a hurricane of criticism from all directions but bowed to neither great nation nor small, did, in fact, establish the United Nations in the Congo. Dr. Sture Linner, the competent Swede who replaced him, was then able to carry out the program which so far has led to a measure of pacification in the strife-torn area. Without the presence of either of these men on the spot it is doubtful if the Congo Mission would have survived.

What the world has learned about the potentialities of small-nation cooperation in this test case is immeasurable. It establishes a precedent to be followed in other areas when anarchy threatens and has produced an action-trained cadre within the United Nations itself—thus better qualifying it as an instrument of world peace. The Congo Mission's records provide a voluminous, recent reference of what a given number of U.N. nations can or cannot do in a specific crisis with a certain amount of funds, materials and technicians. Handling everything from famines, cannibalism, police-army revolts and anti-foreign riots, to political and economic disintegration in hundreds of separate incidents, the Mission compiled ample statistics now available to help any country stricken with disaster in the future which calls on the U.N. for help. Finally, most important of all, the success of the Congo Mission has shown that there is, in fact, a need for the small nation in our modern world.

Where the mission's efforts have revealed the least permanent success so far is in the Congo itself. Yet that is the area where, because of the nature of the problem, results are most difficult to judge.

There have been those who suggested that the presence of the U.N. has actually prolonged the internal post-independence readjustment. This viewpoint, common among many French and some British diplomats, holds that there would have been a short period of chaos and civil war followed by the emergence of a strong leader. Such a view, however, minimized the extreme antagonisms and separatist sentiments of the tribal-minded Congolese. Even before independence, Katanga chiefs I interviewed in Leopoldville for the independence ceremonies were talking openly of secession. So was Albert Kalonji of South Kasai and there were even hints to that effect from Joseph Kasavubu himself—just in case he didn't get the presidency.

The most critical action the U.N. has taken is to physically hold the Congo together. So far it is due entirely to the U.N. that the secessionist actions have been blocked. The mission's effort in famine relief unaccountably went unheralded and almost unnoticed outside the country. Yet, in the past eighteen months the mission has saved well over a million Congolese from starvation. Without U.N. technicians to maintain the public services, railways, water supplies; to stop epidemics; to aid in remanning the school and judicial systems; and to advise the still weak, inexperienced central government, there would be no order whatever in the Congo above the level of tribal chieftain.

THE CONGO Mission's greatest weakness was in two fields. First, it has failed to restore peace and order. Practically speaking, civil unrest grew worse after the U.N.'s arrival in July 1960 and has improved little since except in the major cities. Where there is no U.N. garrison, there is no law and order. With only 25,000 troops on hand, on the average, there is only the bare minimum of authority. Counting command commitments, this is like placing approximately one soldier in every four square miles of habitable territory—and that usually rugged, tropical jungleland. The U.N. itself has to concentrate its forces to survive.

On this score, as one U.N. official explained, "The problem of pacification of the Congo is largely one of education and training so the Congolese can do it themselves. We cannot hope to get enough troops here. And even if we could the cost would be prohibitive. We must plan to hold the centers and mark time until our technicians can train soldiers, policemen and civil officials. It may take years."

It was in the field of technicians, however, that the U.N. made its great mistake early in the Congo operation. The all-out anti-colonial sentiment of the African-Asian nations against the return of Belgian technicians probably delayed by at least six months the turn toward recovery. In the first critical days there was a frantic and near-futile search for other experts, but gradually it became clear the Belgians must be used and the U.N. command reluctantly changed its mind.

The task in the Congo is, of course, far from over. But now, with the pressure off from the great powers, and a growing world-wide recognition that the mission has been a success, the remaining work of firmly cementing the country together will be easier. Restoration of order will take a long time—five, maybe ten years.

The fullest and most important recognition of this new, hopeful phase came with the Soviet Union's payment of its budget arrears on March 5. It was on that date that the U.N. Congo Mission came of age.

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"Conscience and Legitimate Authority"

Columbus, Ohio

TO THE EDITORS: I write in regard to Gordon C. Zahn's article in the March 30 issue. It is refreshing in these days of the "organization man" and the "image maker" to see someone stand up not only for individualism but for individual responsibility. I agree that not many Americans are prepared to accept the full implications of this obligation. I cannot, however, agree with all the statements Mr. Zahn makes to back up his plea for personal responsibility. (I let pass without comment such phraseology as, "The dice are always loaded in favor of legitimate authority.")

When speaking of the Austrian peasant who chooses to die rather than take part in a war he considered unjust, he says that not only was he advised by priests to abandon his position, but that these advisers would give the same advice today under the same circumstances. To support this statement he says the bishop hindered publication *after the war* of laudatory accounts of the peasant's action. I submit that the issue here has been confused.

The peasant is obviously being praised for acting on his war-time knowledge. The bishop's point is that he couldn't have had enough knowledge to justify opposing his government's orders. This is why the bishop dislikes to see the peasant presented as a model. It does not mean that the bishop, if he had his present knowledge during the war, would have given the same advice.

In the next paragraph we read, "Now that we have learned how easily the authority exercised by man can be abused and how disastrous are the effects of that abuse, we need a moral theology which would require that every exercise of this authority be exposed to the test of the enlightened moral conscience of the individual subject to it." I hope Mr. Zahn does not think the Church in formulating its doctrine was unaware that such abuse and disastrous effects could happen (or that they had happened before).

I believe Mr. Zahn is most clearly mistaken when he says that ignorance and limited access to the relevant facts "should not reduce in the least the obligation of each to seek out all the facts that are available and to form a responsible judgment on the basis of those facts." I deny that a *responsible* judgment is possible without all the relevant facts. He continues. "If the citizen makes a wrong judgment because those in authority have blocked his access to the truth, then one is justified in assigning the responsibility to the ruler."

In cases where the subject can suspend judgment, I fail to see where such assignation of responsibility is justified. Is a ruler obliged to give all the facts to his subjects? Even if he holds this preposterous view, can Mr. Zahn really believe that the great mass of people engrossed in "Gunsmoke," the New York *Daily News* and Liz Taylor's latest wooer can really grasp the mountain of facts that challenge even Mr. Kennedy's intelligence, experience and reading speed?

Perhaps at this point Mr. Zahn would ask us to reread this observation: "If the individual is 'short-sighted' and given too much to 'emotionality,' it is the task of the religious community and its leaders to provide the spiritual formation and strength to enable him to broaden his scope of vision and to channel or restrain his passions." Yes, indeed. While we're at it let's win the fight against disease, get a really effective world government and clean up this Berlin mess once and for all.

Mr. Zahn is distressed because he sees virtuous men and vicious men doing the same thing. A man may go along with something wrong because of fear or he may go along because he sincerely feels he cannot make a responsible judgment that it is immoral. Therefore, he is still held to obedience. That he may breathe a sigh of relief does not lessen the validity of his reasoning (as long as he is in good faith).

Human ignorance is frustrating but a fact. We would all like to have some way to stop Hitler-types, or at least to keep Catholics from aiding and abetting, but given the complexity of political and military decisions it is hard to see how we can get much help from moral principles. Certainly we must continually re-examine our application of moral principles to the facts. If Mr. Zahn brings his battle to this field he will find the theologians more vulnerable.

Perhaps he would find the principle easier to take if he remembered that it does not always offer a "convenient out." Oftentimes "the sweet sound to our ears" would be to hear that we could disobey in good conscience. *(Rev.)* JUDE MAHER, O.P.

The Author Replies

Chicago, Ill.

TO THE EDITORS: In a certain sense, Father Maher's letter is more of an illustrative supplement than a rejoinder to my article. It clearly implies the readiness to accept an uncritical surrender of what I believe should be a personal moral judgment to the secular ruler. Even

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more troubling, it betrays an almost fatalistic pessimism in its dismissal of the citizen's rights to facts behind decisions taken in his name and in its disdainful assessment of the citizen's capacity to form a judgment concerning those decisions.

Regarding the case of the Austrian peasant and his bishop, the article in question (the publication of which was officially blocked and not just "hindered") stressed the peasant's heroism in accepting the behavioral consequences of his interpretation of his personal responsibility as a Christian. The bishop refused to permit publication because he considered the peasant to have been "in erroneous conscience" as compared with those who gave their lives for the Hitler cause "in the deeply held conviction that they were fulfilling at their post the will of God" with what he went on to describe as "a clear and correct conscience." The bishop went on to ask, "Or are the Jehovah's Witnesses and Adventists who acted 'consequently' and preferred to die in concentration camps rather than bear arms the greater heroes?" My answer to this would be: such men were certainly greater heroes than those among the others—and I would confidently assert that they were undoubtedly in the majority!—who fought and died in an unquestioning acceptance of a "duty" defined for them by the secular ruler (Hitler) and confirmed by their spiritual leaders in accordance with the traditional interpretation of the subject's obligations vis-à-vis legitimate authority. Father Maher, I gather, would differ.

Father Maher and I also differ somewhat in our use of the term "responsible." My usage implies a willing and knowing commitment to a course of action and the awareness that I shall be held accountable for the intended and foreseeable consequences of my action. The ignorance born of limited access to facts will, of course, modify the degree of actual personal moral accountability; but this does not permit me to exploit the possibility of such ignorance as a means for avoiding direct and personal responsibility for my acts.

It is in this formulation that I would hold that the Christian is obliged to seek out and use as many of the facts as are available to him and to commit only those acts which are permitted by his circumspect assessment of those facts. There is no denying that I.Q., range of experience and even reading speed will affect the correctness of his decision, but they will neither heighten nor lessen his responsibility to do the best he can with the talents he has and the facts that are available to him.

If the things mentioned by Father Maher are actually the issues which engage the interest of today's Christians, one of the reasons may lie in the failure or refusal of the institutional Church to make its members aware of the far greater issues that confront Christ in the modern world and of their responsibility and exciting opportunity, as other Christs, to do something about them. The tragedy is, I feel, that while we *are* trying to win the fight against disease, while many dedicated people (with, unfortunately, proportionately few Catholics among them) *are* trying to work for a really effective world government—we are *not* trying hard enough to awaken the Christian to a recognition of the part he is to play in solving for himself and for the world the overriding issues posed by war, and especially nuclear war .

I am not really as much disturbed about virtuous men and vicious men doing the same thing as I am about our readiness to make a virtue of this. Father Maher re-affirms the traditional position that a man may go along with something wrong because he sincerely feels that he cannot make a responsible judgment that it is immoral (or does the phrase "held to obedience" perhaps imply that he *must* go along?). The history of totalitarianism—an utterly different problem from that posed by the wicked king in the theology handbooks—should have forced a reconsideration of this position leading to a possible formulation which would hold that the Christian may not go along with something he has reason to believe may be wrong unless and until he can satisfy himself, to the best of his ability and in the light of the best information available to him, that it is not immoral.

Once we frame the behavioral issue in these terms we might find that it will introduce a new note of urgency into theological considerations of the relationship of the citizen to the modern secular state, an urgency that will make it possible for us to hope for more help in the future from moral principles than the Catholics of Hitler's Germany received or we in America are getting today.

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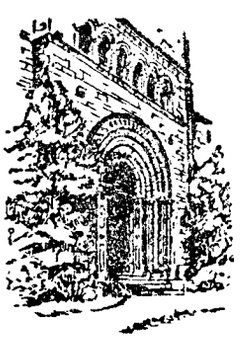

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THE SCREEN

Hum a Hymn to Hera

SOMETIMES it's rather difficult to tell what a film maker has in mind. While one may admire a movie's photography, acting and technique, one may be baffled by what on earth the story's getting at. François Truffaut, the French director who won plaudits for the New Wave group with his impressive study of a delinquency-driven youngster in "The 400 Blows," now turns up with the new and quite-different "Jules and Jim" (Janus). Telling the story of a friendship between two men, Jules (Oskar Werner) who is German and Jim (Henri Serre) who is French, and their love for the same woman, Catherine (Jeanne Moreau), Truffaut's picture is very well acted and often quite beautiful to look at—with Raoul Coutard's stunning, grayish black-and-white photography of Paris of fifty years ago and of French and German countrysides.

The trouble with "Jules and Jim" as a movie is that Truffaut fell in love with Henri-Pierre Roche's novel of the same name years ago and determined to turn it into a film—even though he must have realized that the script he wrote with Jean Gruault is more literary than cinematic. Much of the film has a running commentary, which, along with the dialogue, is translated from the French in subtitles requiring the viewer to work overtime. Again and again the pictures are used mainly to illustrate the episodic story that skips merrily along from the beginning of the friendship before World War I to some fifteen years later.

This story, less like the plot of a movie than like the synopsis of a ballet (and often just as silly), shows Jules and Jim as carefree buddies, then becoming palsy with Catherine—all very bohemian as they romp around. Both men are attracted to flighty, bossy Catherine, but she marries Jules—probably because she and Jim missed each other on a date. Comes the war; they are all separated for a long time; later Jim visits Jules and Catherine and their little daughter in their home on the Rhine and discovers all is not well: Catherine has had lovers—and is soon ready to add Jim to the list. She does; they quarrel; and the rest of the long movie is taken up with their on-again-off-again affair while Jules looks on glumly from the sidelines but nevertheless continues to love Catherine and keep up his friendship with Jim.

The entire group connected with "Jules and Jim" seem to be working awfully hard, but they have no place to go. Thanks to Truffaut's direction, his film has some amusing light touches. Long before the grim finale, however, one gets fed-up with these irresponsible, amoral people; and, in spite of Jeanne Moreau's fine performance, one can hardly believe in her Catherine as a queen bee. Truffaut, himself, labels his movie "a hymn to love, a hymn to life." It's really a well-sung hymn to a lot of nonsense.

WHAT HAPPENS to *les enfants terribles* when they are no longer *enfants* or *terribles*? They write books or make movies about themselves. Maybe that's what they've been doing all their lives, but the late works creak as much as their makers. "Testament of Orpheus" (Films Around the World), which Jean Cocteau says is his farewell to the screen, is a sort of philosophical and autobiographical rehash of Cocteau's adventures in the various arts—and the famous Frenchman has dabbled in many of them.

Director-author Cocteau, looking his age, plays himself in this farewell film which is crowded with symbols and theories and characters from his previous movies, mostly "Orpheus," and has so many elusive references that the viewer becomes impatient. "Testament" also has moments of beauty and vitality—as did many of the Cocteau paintings, murals, books, ballets, and films like "The Blood of a Poet" and "Beauty and the Beast." But perhaps he should have just re-released one of the old movies. In contrast to the New Wave, Cocteau is now very Old Wave; and his arguments are so vague that they probably appeal only to Cocteau fans. Cocteau may have known what he was getting at in his last movie; but what "Testament" really means now, I'm afraid, to paraphrase Browning and *Time*, only knows God.

PRODUCER-DIRECTOR Jean Negulesco's new movie is described as a romantic comedy about the adventures of an American midwife whose beauty and provocativeness upset the peace and harmony of a Sicilian village. The trouble with "Jessica" (United Artists) is that Angie Dickinson, who plays the title role, is not that beautiful or provocative—and there couldn't have been too much peace and harmony in that rustic village before she came along.

This Italian-French production (with an English sound tract) has some lovely color shots of the locale and people, but for all the script's attempts at humor, the movie falls fairly flat. The women of this little village, furious that the men are overwhelmed by well-meaning Jessica, decide to pull a "Lysistrata" and, even though their parish priest (Maurice Chevalier) registers very emphatic disapproval, they refuse to have relations with their husbands. This leads to a series of suggestive wisecracks and situations that are supposed to be doubly funny because of the Church's firm stand on the subject. The viewer knows what this movie is getting at as it plays around with human weaknesses. It's an old, old trick—stemming farther back than Aristophanes. Even the pre-Greeks had a word for it.

PHILIP T. HARTUNG

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How Not to Succeed in Business

The Gentlemen Conspirators: The Story of the Price-Fixers in the Electrical Industry. By John G. Fuller. Grove. $3.95.

by Edward T. Chase

THIS IS a timely account of last year's anti-trust action against the giants of the electrical industry, the biggest such action in the history of the Sherman Anti-Trust Act. General Electric was a star but by no means the only defendant in this spectacular case. Involving corporate sales of a billion and three-quarter dollars, the bills of indictment covered practically all the electrical equipment producers in the nation. After the Anti-Trust Division of the Justice Department successfully prosecuted the case, twenty-nine corporations pleaded guilty and received fines totalling $2 million. Seven high-ranking—yet significantly not the highest-ranking—executives received jail sentences of thirty days. Yet I recall vividly how their essentially mild punishment engendered indignation among some of the more pompous business men of my acquaintance.

According to Mr. Fuller, the case originated with an investigation by reporter Julian Granger of the Knoxville, Tenn., *News-Sentinel* of a news release indicating that sealed, secret bids to the TVA for electrical transformers were identical down to the last penny. Since this was at least a bit strange, Granger kept checking on the story until eventually the Federal government got into the act and broke the case.

If Fuller's account is accurate, this is an impressive instance of the value of the free press and the worth of a single reporter's assiduousness. Oddly enough, *Fortune* magazine's superb series on the case ("The Incredible Electrical Conspiracy", April, May, 1961)—to which Mr. Fuller seems indebted to so substantial a degree that one is amazed to see no appropriate acknowledgement from him—makes nothing of Granger's feat, attributing the coup to the Justice Department's Anti-trust Division.

Anyhow, Mr. Fuller's account has all the facts. Essentially it is a simple story. The key men in each company agreed to divide up the electrical equipment market so that each firm got a slice of the pie commensurate with its rank in the industry, and agreed to keep prices as high as possible. The tactics they used were devious and fairly clever; yet, unbelievably, they arrogantly thought they could get away with such transparent dishonesty as identical bids on complex items shipped over widely varying distances. The direct effect was to cheat customers of millions of dollars, customers such as big municipalities, utilities and organizations like the TVA. The indirect effect was to soak the general public, because these inflated prices eventually were passed on in the form of higher power rates and more expensive appliances. The case is by no means ended; there will, it seems, be further revelations of other cartel arrangements affecting other kinds of electrical equipment.

As practically everyone who has read about the case has concluded, the conspiracies were so long continuing and so pervasive that the top management of the companies either (a) must have known about them or (b) stand convicted of being irresponsible dolts, criminally ignorant of company activities they had every obligation to know about. But these men aren't dolts; dolts can go high but not that high.

However, the Justice Department has to date lacked what it considers sufficient probative evidence of wrong-doing on the part of the really highest officials. Perhaps the most disturbing episode involved G.E.'s third highest official. Four of the convicted executives claimed they discussed price-fixing with him at luncheon. They stuck to this claim and willingly took (and passed) lie detection tests. The G.E. official in question has denied it and has produced alibis for his whereabouts on the dates estimated by the four men as being about the time of the luncheon. Yet it is impossible to read through the whole case and not feel that the involvement of the highest executives was palpable, if not in a direct form, at least through silent complicity.

Time and again the evidence establishes that the convicted men were going along with procedures that had become sanctioned by time and by the assumption that the businessman's primary, indeed his only, obligation is to his corporation (and thus to his own economic security). It is this that gives this case a wider significance. For once again we are reminded that the profit motive isn't quite up to the task today (if it ever was) of making our society and economy function justly or even efficiently. *Fortune* suggested that the underlying pressure that created this price-fixing was the chronic overcapacity afflicting the electrical industry, which exerts an irresistible downward pressure on prices. Desperate executives, bullied from on high to at once increase gross sales and net profits, resort then to conspiracy. And that is plausible enough.

But let us say that through alert surveillance by the Anti-Trust Division and by a higher moral standard among executives this particular aberration can be eliminated. The structural defect still remains: the situation in which giant corporations, affecting the destinies of millions quite as much as governments do, operate under no positive compulsion except to enrich themselves, oblivious to their effect on the general public. (The same holds for giant labor unions.) It is this condition that gives point to Labor Secretary Goldberg's recent contention, which he is valiantly pressing in the face of criticism from both business and labor, that government, as the third force representing all of us, must intrude in major conflicts of interest "to assert the national interest." In other words, self-interest is increasingly exposed as a poor guide in an ever more complex industrial civilization wherein every action has chain effects on a hundred others. The ultimate inference is that in our

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evolving mixed-economy we must make what efficient use of the profit system we can, but that we must also acknowledge the growing need for certain kinds of large-scale economic planning to ensure a more rational use of our resources and a more equitable division of their fruits.

Frost's New Power

In the Clearing. By Robert Frost. Holt, Rinehart and Winston. $4.

by Rosemary F. Deen

IN THE CLEARING appears as Robert Frost's culminating book. The title suggests a breakthrough—at once escape (*in the clear*) and clarification. But Frost resists finality. As a verb, *clearing* suggests an action going forward; as a noun it means only the "overthrow" of a few trees and not the defeat of nature. These ironies of title make one thing clear—that the years turn Frost ever more surely into himself.

The bulk of the book consists of poems of "philosophic talk." Whether you like them or not depends mostly on whether you share the "philosophy." Another Frost specialty is the fable in which a commonplace object takes on life and (often malicious) purpose. Readers who remember the grindstone and the axhelve will recognize the "malice prepense" of the "unemployed hoe" in "The Objection to Being Stepped On." But the best poems are the lyrics, which freshly continue Frost's old themes and symbols. The theme of "wanton waste" and the image of flowers and butterflies appear in "Pod of the Milkweed"; frailty and the image of whiteness compose "A Peril of Hope"; the idea of escape/exploration figured in the solitary walk produces "Away."

Possibly the best poem, "The Draft Horse" ranks with "Design" in that special category perfected by Emily Dickinson and Frost: the frightening poem. It is the tale of a poorly-equipped pair going a night journey through woods. The fear in it is conveyed as much by the form as by the events—for example in the curious emptiness of the connectives in this stanza:

> And a man came out of the trees
> And took our horse by the head
> And reaching back to his ribs
> Deliberately stabbed him dead.

In the last two stanzas the fright deepens in the irony beneath the unquestioning acceptance of the pair. For the complacency of their reaction is countered by the enormous effort of the one long, winding sentence in which it is expressed:

> The most unquestioning pair
> That ever accepted fate
> And the least disposed to ascribe
> Any more than we had to to hate,
>
> We assumed that the man himself
> Or someone he had to obey
> Wanted us to get down
> And walk the rest of the way.

This mountain of labor produces this mouse of good will. Stanza One reminds us, after all, that "the rest of the way" lies through "a pitch-dark limitless grove."

In a way the most remarkable thing about this book is its evidence that Frost's lyric gift remains perfectly fresh and alive. Sometimes it is exercised in evocatively simple diction and stripped-down phrases:

> Now I out walking
> The world desert
> And my shoe and my stocking
> Do me no hurt.

Here the commonplace *shoe* and *stocking* are given symbolic status by the grand, echoing quality of *world desert*. Another example is the transition between the dream-like opening of "In winter in the woods alone," (with its echo of Emily Dickinson's "In winter in my room") to its final expression of conflict between Nature and the self. It must be from this Antaean opposition that Frost draws new strength.

A Talent for Love

Caryll Houselander. By Maisie Ward. Sheed and Ward. $4.95.

by Sister Maris Stella

IT MUST be difficult to write a biography of a person one has known face to face; difficult to keep the delicate balance between the intimate knowledge and the objective presentation. But Maisie Ward has done it with tact and insight. She begins by introducing Caryll Houselander, then vanishes into the wings and lets her subject, wherever possible, speak for herself. Apt selections from *The Rocking-Horse Catholic*, from personal letters, poems, private journals, and from Miss Houselander's other books fill in the portrait. What emerges is a fascinating story of a woman who must have been lovable, but at the same time a little frightening.

She seems to have had a special kind of vocation, one perfectly suited to the age and her milieu. She understood people with "unreasonable anxieties, unfounded fears," agonizing neuroses. Her own childhood had been unhappy owing to the separation of her parents and the consequent breaking up of the home which had been to the very young child a happy universe with God in it. When the home went, He went, and the child was desolate. Life in a boarding school was particularly difficult for the highly sensitive girl, though she did make lasting friendships. She could not have been an easy child to deal with, but in later years her impressions of the integrity of some of the nuns who looked after her at this time were still vivid and affectionate. In general, however, one gathers that she had no great devotion to religious women or their way of life, so that her vocation could never have been to a religious society.

What her ardent nature needed was freedom to do what needed to be done. She seems never to have questioned the cost of her services in terms of personal sacrifice, loss of time for creative work, of much-needed rest, of money, and physical strength. The regimen under which she came to live, as time went on, would seem impossible to anyone but a saint or a genius.

In some respects she must have been a genius. Her ability to deal with seriously disturbed people—adults as well as children—was a particular gift from God, since she had no psychological training. She was an artist by profession, a carver in wood, a painter and poet. Yet distinguished psychologists and psychiatric nurses were constantly call-

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ing on her for help. She had no fear of queer, mixed-up, even violent people, some of whom she was often able to soothe when the professionals gave up. She had begun by giving lessons in art to disturbed boys. Later, children were sent to her by Dr. Strauss (President of the British Psychological Society) whose wise verdict was that Miss Houselander had loved them back to life. It was he who called her the "divine eccentric."

One suspects that love was the key to her extraordinary power, but a special kind of love. Anyone who has read even one of her books must have been impressed with Caryll Houselander's constant awareness of the presence of Our Lord in suffering humanity. It was no pious lip-service she rendered to the doctrine of the Mystical Body. She truly saw Christ in those around her; the world to her was holy. Even the fear she experienced during the blitz was transfigured by this sense of Christ's presence. She refused service to no one. The volume of her correspondence—most of it directed to people who came to her for comfort and counsel—was staggering, and the help she gave was genuine.

Beyond this active faith in Our Lord's presence, there is something more. Did Caryll Houselander have mystical visions? Miss Ward is careful not to answer this question, but she leaves the reader with evidence to the affirmative, derived from the spiritual journal. What is to be said of the childhood vision of the German nun wearing a crown of thorns; or of the vision of the Russian ikon of the suffering Christ; or even of the little story she sometimes told of the sacristan and—was it an angel? Either one dismisses them as inventions which would be wholly out of character, or else? Wisely, Miss Ward makes no judgment, nor does she attempt to assess the sanctity of her subject.

Was Caryll Houselander a saint? Certainly not a conventional one. She was difficult. She seems to have preferred sinners to pious people. She was foolish about an old cat named Jones (for which this reviewer loves her). She had a critical tongue and a tendency to make quick, sometimes hard judgments. She often said what she later regretted. But she was able to be sorry—deeply and humbly so. And it was, above all, her nature to love; love was her life, and she gave it generously.

No Easy Answer

The Peace Race. By Seymour Melman. George Braziller. $3.95 cloth. Ballantine. 50¢ paper.

by Ronald Steel

IF PRIZES were given for good intentions, Seymour Melman would be spangled with gold stars from well-meaning head to uncertain foot. An industrial engineer with a social conscience, he has jumped into the atomic arena with all gears churning, his book being an earnest search for a way out of the nuclear dilemma. Daedalus, after constructing the labyrinth to contain the minotaur, escaped his tormentors on wings of feathers and wax, avoiding by his ingenuity the unsavory fruits of his own creation. Professor Melman, who would have us achieve disarmament by industrializing the underdeveloped nations, believes he has found an ingenious exit from the nuclear impasse. Neatly avoiding the labyrinth of politics, he would take us out of the arms race on wings of machine tools. His way is up and over, far from the clash of international politics, strategic interests, and entangled diplomacy, into the clear air of industrialization for all.

Professor Melman, who teaches industrial and management engineering at Columbia, believes "the peace race is an alternative to either war or surrender in the world contest with the Soviet system." The diplomatic stalemate, and the arms race itself, can be "replaced by a policy that can win," for we can achieve world-

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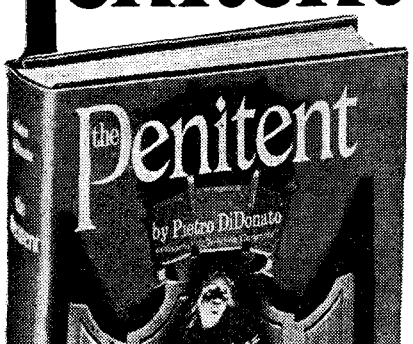

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wide disarmament, end nuclear diplomacy, abolish war, and still gain "a world political victory for freedom in society."

We can do all this by a decision to devote the resources of the arms race to industrializing the emerging nations. The first half of the book recounts the follies of the arms race: the effects of nuclear weapons, the dangers of war by accident or human failure, and the blunting of human sensitivity in an age of mass destruction. Analyzing American policy, Professor Melman finds it a history of self-fulfilling prophecies leading to defeat. Fear of Soviet power impels us to increase our military strength and threaten to arm West Germany with nuclear weapons via NATO. The Soviets respond by beefing up their own forces—and the very thing we tried to avoid by our original move comes about. Preoccupation with nuclear strategy leads to increasing nuclear instability: the recent Berlin crisis, which saw a deterioration of our political position coupled with an $8 billion increase in our military budget offers testimony to the failure of such policies.

But Professor Melman is not a political critic, and he sees our failure not in political, but in social, economic, and even engineering terms. Our great error, he maintains, is that we fail to offer emerging nations economic planning in conjunction with personal freedom because we are irrevocably committed to private enterprise. Since these countries demand a high degree of public planning, they find considerable appeal in the Soviet system. Though this interpretation of American foreign aid policy was more relevant under the Eisenhower administration than it is today, it fails to recognize that even then the support government renders to private industry did not prevent aiding socialist economies from India to Yugoslavia. Professor Melman can discern the shape of the future being decided in the tool shops of the underdeveloped world if he wants to, but he should not strain to buttress his premises.

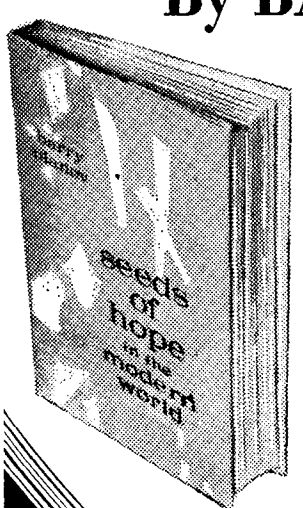
How can we extricate ourselves from the nuclear impasse and the potential disaster of the arms race? The prescription, is spelled out in the second half of the book: a "peace race" with the Soviet Union "centered on an American effort to industrialize the world with freedom and thereby win a world-wide political victory." The logic runs something like this: Only the U. S. has sufficient unused industrial resources to underwrite the capital cost of industrialization of emerging nations. The cost of waging the peace race would amount at most to ten per cent of our gross national product. Putting our unused resources to work would stimulate the economy and make for a higher standard of living for Americans.

"But for the United States," says Professor Melman, "starting the peace race does not require that the arms race be first ended." America, in other words, could have her atomic cake and help the underdeveloped nations, too. The Soviet Union, however, operating from a smaller economic base, doesn't have that choice. It must either continue

A book that shows how modern man has gained a new understanding of himself, of his world, and of God, from the work of artists and scientists

Seeds of Hope in the Modern World

By BARRY ULANOV



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BARRY ULANOV, writer, editor and translator of many books in the fields of art, literature and religion, and an associate professor of English at Barnard College, is the president of the Catholic Renascence Society.

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producing weapons, or else join us in the peace race. From this economically dubious argument, Professor Melman deduces that "the Soviets will be compelled to seek disarmament in order to compete in a peace race." The theory is very neat, but it raises some irritating problems: 1) the Soviets have been able to spend more than $1 billion a year on foreign aid and still maintain their defense budget, 2) even if they had to choose between disarmament and aid to underdeveloped areas, why should it be assumed they would choose the latter so long as political tensions remain high?, 3) if the U. S. can wage the peace race and keep its weapons, why would it disarm? 4) why do we assume that the industrialization of underdeveloped nations would be to the disadvantage of the Soviets?

Impatient with power politics, Professor Melman, has tried to find a short-cut to disarmament through a vastly-expanded foreign aid program. But gimmicks, no matter how appealing, seldom work. While it is difficult to believe that the Soviets would want to disarm because they have to fight the "peace race" with us for the allegiance of the West Papuans, it is even harder to imagine that the U. S. would thereby scrap its arms, since we have already been told that we can have our nuclear weapons and foreign aid as well. Why should the Soviets play the "peace race" game since Professor Melman's rules prescribe a "policy for the West for winning a world political victory?"

There is no doubt that the author's heart is in the right place. When he tells us how many hospitals and schools we could build with the money spent on hydrogen bombs and Polaris submarines, he dramatizes the tragic waste of our resources. When he cites the needs of underdeveloped nations, he is reiterating a truth we all recognize. But when he couples the two into a disarmament equation, he is simply ignoring the political dispute that lies at the core of the impasse. To tell us that when "capital is made easily available the necessity for forced conditions disappears, and with it a major justification for totalitarian methods in society," is to be politically naive. Armaments are not the only cause of political tension; more often they merely reflect it.

Nuclear instability and the terrible internal logic of the arms race are the most pressing problem facing our civilization. If we are to have a future, we must cut through the dilemma by controlled disarmament based upon political accommodation. Unfortunately, Professor Melman's prescription—despite his deep concern—offers little hope. The road to disarmament is filled with pitfalls, and no gimmick, however well-intentioned, is likely to make it an easy journey.

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